

# MIAMI BEACH

## PLANNING DEPARTMENT

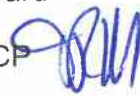
### Staff Report & Recommendation

### Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: February 11, 2020

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: HPB19-0212, **1920 Meridian Avenue.**

An application has been filed requesting a variance to exceed the maximum sign area allowed for a wall sign located at the parapet of the building.

#### **STAFF RECOMMENDATION**

Approval of the variance.

#### **EXISTING STRUCTURE**

Local Historic District:	Palm View Historic District
Classification:	Non-Contributing
Original Construction Date:	2001

#### **ZONING / SITE DATA**

Legal Description:	The East half of Block 8-A, less the South 100 feet thereof of Amended Plat of Golf Course Subdivision of the Alton Beach Realty Company, According to the Plat thereof, as Recorded in Plat Book 6, Page 26, of the Public Records of Miami-Dade County, Florida.
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Zoning:	RM-2, Commercial, medium intensity
Future Land Use Designation:	RM-2, Commercial, medium intensity

Existing Use/Condition:	Office
Proposed Use:	No change

#### **THE PROJECT**

The applicant has submitted plans entitled "Miami Beach Chamber of Commerce", as prepared by Borges Architects + Associates, PA, dated December 9, 2019.

The applicant is requesting the following variance:

1. A variance to exceed by 4.7 s.f. the maximum permitted area of 30 s.f. for a wall sign in order to permit the installation of a sign at the parapet of the building with an area of 34.7 s.f. facing the waterway.

- Variance requested from:

**Sec. 138-16. - Wall sign.**

Maximum area (Signs shall not exceed this area, regardless of the maximum area calculation), Wall Sign Design Standards per District, RM-2: 0.33 square feet for every foot of linear frontage, with a minimum of 20 square feet permissible, regardless of linear frontage

Height restrictions, Shall not be located above ground floor. Notwithstanding the foregoing, on buildings with two floors or more floors, signage may be located above the first floor, provided that the signs above the ground floor shall not exceed the size limitations on the ground floor, subject to the review and approval of the design review board or historic preservation board, as applicable.

The applicant is proposing a new sign at the parapet of the building along the waterway. The lot is a triangular shape with a narrow front and longer side facing Dade Boulevard and Collins canal. There are two (2) existing signs on the building; one (1) facing Meridian Avenue and one (1) at the top corner of the building facing the intersecting streets. These signs were previously approved with variances, as the RM-2 district did not allow signs above the first floor. The sign regulations were recently amended to permit signs above the first floor when approved by the Design Review Board of Historic Preservation Board. The maximum size for a wall sign is 30 sf. The new sign proposed at the parapet of the façade facing Collins Canal and Dade Boulevard contain two parts; the main illuminated sign which is 30 sf and a smaller non-illuminated sign below containing the logo and the letters "Miami Beach Chamber of Commerce" at 4.7 sf. For visitor's and tourists entering the city through Alton Road north, the north facade is substantially visible, but there is no identification of the building.

The corner sign and the Meridian sign are visible from Meridian Avenue and along Dade Boulevard when traveling east-west. The proposed sign is facing the Miami Beach Golf Course and it should not have a negative impact on the surrounding residential area. The large size of the façade facing the canal and Dade Boulevard impose challenges for the location of a sign that provides reasonable visibility since most of the ground level is obstructed by the existing landscape on this side at the ground level. The sign area of 34.7 sf is compatible and proportional with the building façade in order to provide adequate visibility and further identification from the north side. As such, staff recommends approval of the variance requested.

**PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents submitted with the application satisfy the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;

- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.
- The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

#### **COMPLIANCE WITH ZONING CODE**

The application, as submitted, with the exception of the variances requested herein, appears to be consistent with the applicable requirements of the City Code.

This shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

#### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.  
**Not Applicable**
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.  
**Not Applicable**
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.  
**Not Applicable**
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.  
**Not Applicable**

- (5) Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.  
**Not Applicable**
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.  
**Not Applicable**
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.  
**Not Applicable**
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.  
**Not Applicable**
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.  
**Not Applicable**
- (10) Where feasible and appropriate, water retention systems shall be provided.  
**Not Applicable**

#### **VARIANCE ANALYSIS**

The RM-2 residential multifamily district limits the size of any sign to a maximum of 30 sf and does not allow additional signs such as building identification signs. This requirement is intended to limit the size of signs in residential neighborhoods where multiple illuminated signs can be a nuisance to adjacent residential properties. In this case, the facades facing the street and waterway do not have residential buildings across the street. The applicant is proposing a sign at the top parapet of the building facing the north side. The maximum sign area allowed is 30 sf and the total aggregate area proposed is 34.7 sf. In other commercial and high-density districts, this sign could be permitted as a building identification sign with up to 1% of the area of the façade. Considering the length of the façade which is approximately 148'-0" with an area of approximately 5,920 sf, a building identification sign up to 59 sf would be allowed without a variance if located in a commercial district.

The proposed signs are not facing residential buildings and the size is substantially lower than the area of a building identification sign if the building were in a commercial district. The irregular shape of the property and the long façade facing the waterway and the surrounding context, create practical difficulties that result in the need for a larger sign than what the City Code allows. As the Chamber of Commerce provides valuable information about the City to tourists and visitors, a sign on the north façade with the size and location proposed is appropriate and consistent with the intended purpose of the signage code, which is "to permit signs that through their design, location, numeration, and construction, will optimize communication, promote a sound healthy environment for housing and commerce, as well as preserve the architectural character of the city."

In summary, staff recommends approval of the variance as requested.

**RECOMMENDATION**

In view of the foregoing analysis, staff recommends the application for a variance be **approved**, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the Practical Difficulty and Hardship criteria, as applicable.

**HISTORIC PRESERVATION BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: February 11, 2020

FILE NO: HPB19-0212

PROPERTY: 1920 Meridian Avenue

APPLICANT: Miami Beach Chamber of Commerce.

LEGAL: The East half of Block 8-A, less the South 100 feet thereof of Amended Plat of Golf Course Subdivision of the Alton Beach Realty Company, According to the Plat thereof, as Recorded in Plat Book 6, Page 26, of the Public Records of Miami-Dade County, Florida.

IN RE: The application requesting a variance to exceed the maximum sign area allowed for a wall sign located at the parapet of the building.

**ORDER**

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

**I. Certificate of Appropriateness**

A. No request for a Certificate of Appropriateness has been filed as a part of this application.

**In accordance with Section 118-537, the applicant, the owner(s) of the subject property, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special master appointed by the City Commission.**

**II. Variance(s)**

A. The applicant filed an application with the Planning Department for the following variance(s):

1. A variance to exceed by 4.7 s.f. the maximum permitted area of 30 s.f. for a wall sign in order to permit the installation of a sign at the parapet of the building with an area of 34.7 s.f. facing the waterway.

B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City

Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

C. The Board hereby **Approves** the variance requests and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
2. The City of Miami Beach business license shall be amended to include "Halegua Family" as part of the business name or DBA.

**The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.**

**III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.**

- A. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- B. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.
- C. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- D. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- E. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- H. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
- K. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this



matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "**Miami Beach Chamber of Commerce**", as prepared by **Borges Architects + Associates, PA**, dated **December 9, 2019**, as approved by the Historic Preservation Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
DEBORAH TACKETT  
CHIEF OF HISTORIC PRESERVATION  
FOR THE CHAIR

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HPB19-0212  
Meeting Date: February 11, 2020

STATE OF FLORIDA            )  
  )SS  
COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ by Deborah Tackett, Chief of Historic Preservation, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.

\_\_\_\_\_  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires:\_\_\_\_\_

Approved As To Form:  
City Attorney's Office: \_\_\_\_\_ (                    ) )

Filed with the Clerk of the Historic Preservation Board on \_\_\_\_\_ (                    ) )